

Development Guidelines

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

Providing Community Infrastructure in Green Square
December 2012



Sydney2030/Green/Global/Connected
city of villages

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This is a guide only. Please refer to the relevant planning controls, copies of which are available at the City's locations and on the website at cityofsydney.nsw.gov.au

1. Introduction

These guidelines provide details on how key Community Infrastructure is to be delivered in the Green Square Urban Renewal Area under the City's new comprehensive planning controls – *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) and *Sydney Development Control Plan 2012* (Sydney DCP 2012). The Green Square Urban Renewal Area (Green Square) is shown in Figure 1 below.

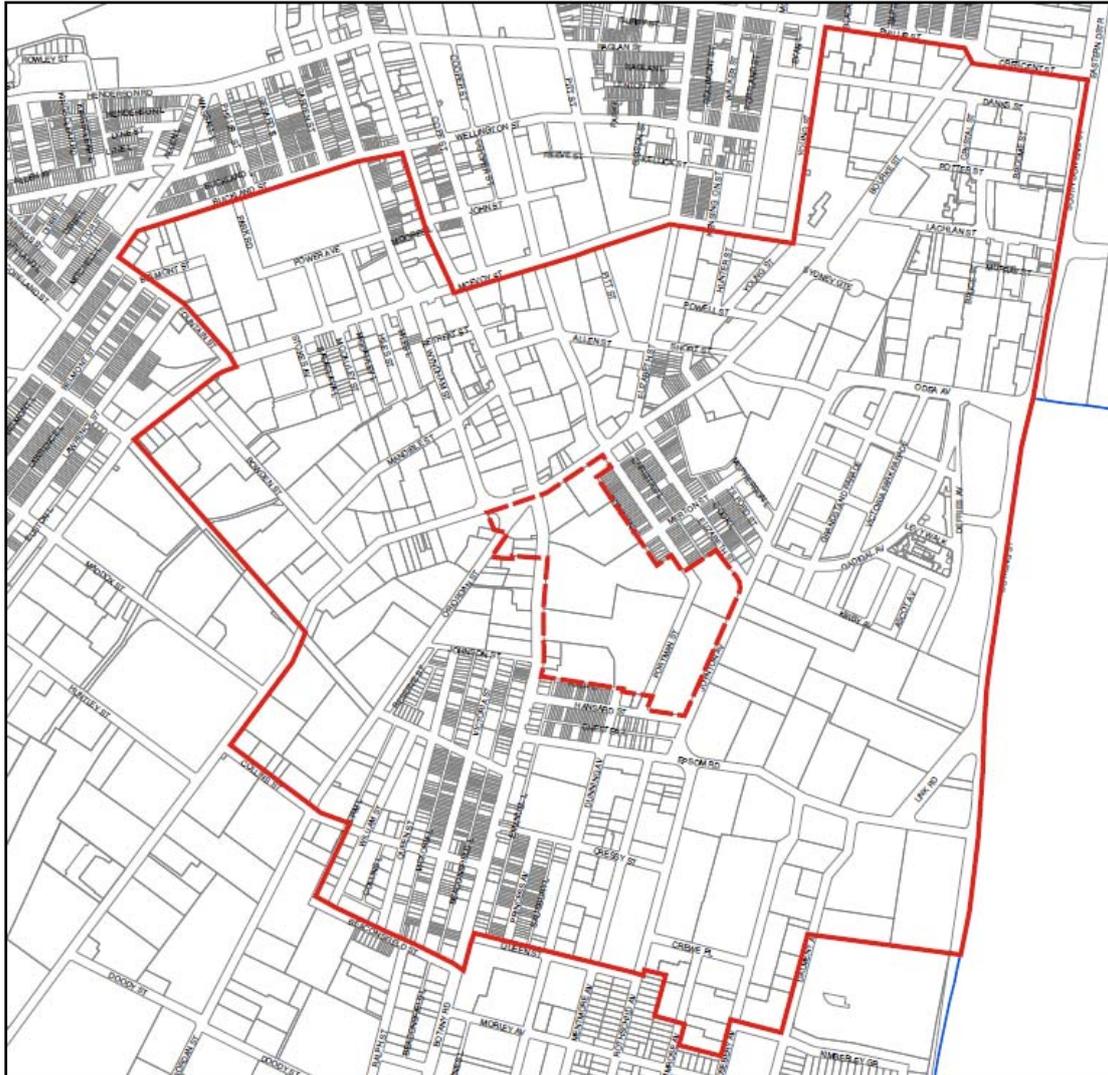


Figure 1: Green Square Urban Renewal Area boundary (solid red line) and location of Green Square Town Centre (dashed red line)

Figure 1 also shows the area of the Green Square Town Centre (the Town Centre). The Town Centre is excluded from Sydney LEP 2012 and Sydney DCP 2012. These guidelines do not apply to the Town Centre. For information on the planning controls and how infrastructure is being delivered in the Town Centre call (02) 9265 9333 or visit the City's website at cityofsydney.nsw.gov.au/Development/CityImprovements/GreenSquare. The purpose of these guidelines is to:

- explain why Community Infrastructure is important for the regeneration of Green Square;
- detail what essential Community Infrastructure is needed to support redevelopment;

- describe how the Community Infrastructure can be delivered through the development process and Planning Agreements; and
- outline how the value of the Community Infrastructure works is calculated.

2. Why is Community Infrastructure needed in Green Square

Green Square is strategically located between the City, Sydney Airport and Port Botany, and continues to offer the opportunity for large scale regeneration of former industrial lands. This regeneration will significantly contribute to the City of Sydney meeting its dwelling and job targets set by the New South Wales Government in its *Metropolitan Plan for Sydney 2036*.

The vision for Green Square is to transform the area from its industrial and manufacturing past, to an attractive, vibrant and sustainable urban place that is well served by the appropriate level of infrastructure. The Green Square population is expected to grow substantially – by 2030 it will be home to close to 50,000 residents and about 22,000 people are expected to work there.

To accommodate this growth and to ensure the successful transformation of Green Square, substantial new infrastructure is needed. In particular, it is the provision of new public streets, pedestrian and bike links, parks, community facilities and stormwater management that will ensure successful sustainable regeneration and a high level of amenity for Green Square.

Relationship with the City of Sydney Section 94 Contributions Plan 2006

Some of the Community Infrastructure can be funded and delivered through the *City of Sydney Section 94 Contributions Plan 2006* (the Section 94 Plan), as updated or replaced from time to time. The Section 94 Plan identifies some key works to be delivered within Green Square such as the major eastern transit corridor and open spaces, and the City has committed funds raised under that plan for those works.

The Community Infrastructure needed in Green Square cannot be provided by the City alone, despite its access to Section 94 contributions (a levy charged to developers to provide local infrastructure). The scope of the Section 94 Plan is not sufficient to fund all the infrastructure necessary to support the scale of redevelopment planned in Green Square. A partnership approach with the developer for the delivery of this infrastructure is therefore necessary, and allowing developers additional floor space in return for providing additional infrastructure is key to the successful growth of Green Square.

3. What is Community Infrastructure

Community Infrastructure in Green Square refers to the civil infrastructure, public domain and physical facilities that support the built environment and benefit the population within the immediate vicinity of a site as well as the wider Green Square population. For example, by providing new roads the accessibility and permeability of an area increases for pedestrians, cyclists, cars and public transport. Landscape setbacks as an extension to the road reservation can offer a green buffer to development fronting the road, whilst they can provide a pleasant walking and cycling experience for the wider community, and a habitat corridor for plants, insects and birds.

The Community Infrastructure described within these guidelines is that which is provided over and above the requirements of the Section 94 Plan and in addition to any requirements for improvements that may arise from consideration of a development application by the consent authority under Section 79C of the *Environmental Planning and Assessment Act 1979*. Within this context Community Infrastructure includes:

Roads	Works within the proposed and existing road reservation including: <ul style="list-style-type: none"> a) streetscape, bike and pedestrian improvements such as widened footpaths and landscaped setbacks, local parks, pedestrian and bike paths, overpasses and underpasses, landscape works and lighting; b) traffic management works such as road entry thresholds, nodal treatments, pedestrian crossings, road realignment and intersection upgrades; and c) bus and traffic turning lanes.
Public Open Space	Embellishment works to new or existing open space, including upgrades to existing open space such as new play equipment, lighting, sports facilities, furniture, public art and landscape works.
Drainage and Stormwater Management	Drainage amplification, integrated water treatment facilities, large scale detention systems, overland flow path works and stormwater channel improvements.
Public Transport	Works that facilitate and enhance existing public transport facilities such as bus layovers and turning lanes, bus and light rail stops.
Public community facilities	Recreation facilities (indoor and outdoor) such as sporting, recreational, cultural and social facilities and including basketball courts, community buildings and meeting rooms, exhibition and performance spaces, child care centres.
Land dedication	Land dedicated for any of the above works.
Other	Other works or improvements within the broad categories listed above, at the discretion of the consent authority.

4. The Planning Framework

Sydney LEP 2012

Sydney LEP 2012 is the principal document that controls development and regulates land use. It is supported by a series of maps, including Zoning, Height of Buildings and Floor Space Ratio (FSR).

Clause 4.4 – *Floor Space Ratio* of Sydney LEP 2012 sets out the maximum Floor Space Ratio (FSR) for buildings which is shown in the FSR Map.

Clause 6.14 – *Community infrastructure floor space at Green Square* under Part 6, Division 2 – *Additional floor space outside of Central Sydney* of Sydney LEP 2012 refers to the provision of Community Infrastructure. It allows certain sites in Green Square to potentially achieve an FSR above that shown in the FSR Map, if the development provides for Community Infrastructure.

The provisions of Clause 6.14 to provide Community Infrastructure do not apply to additional floor space sought under Part 6, Division 4 – *Design Excellence* of Sydney LEP 2012.

The LEP can be viewed at cityofsydney.nsw.gov.au

Sydney DCP 2012

Sydney DCP 2012 supports the controls set out in Sydney LEP 2012 with detailed development and design controls to achieve the vision for Green Square.

Section 5.2 – *Green Square* of Sydney DCP 2012 details the type and location of Community Infrastructure needed in Green Square to support the redevelopment and growth of the area. The DCP can be viewed at cityofsydney.nsw.gov.au

City of Sydney Section 94 Contributions Plan 2006

Section 94 of the *Environmental Planning and Assessment Act 1979* enables the consent authority to levy contributions from developers by condition of development consent. The levies are applied towards the cost and delivery of facilities required by the community as a result of development as identified in the Section 94 Plan. Contributions may be in the form of money, land, works, or a combination of these.

Planning Agreements

Planning Agreements are governed by Section 93F of the *Environmental Planning and Assessment Act 1979*. Planning Agreements are commonly referred to as Voluntary Planning Agreements (VPAs). They are legal agreements between a planning authority and a developer, under which the developer voluntarily agrees to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit or any combination of them, to be used towards a public purpose.

All VPAs are publicly exhibited for at least 28 days. The public exhibition is accompanied by an “explanatory note” that outlines the public benefits being proposed by the applicant. The public exhibition ensures transparency to all stakeholders and allows the public benefit to be clearly demonstrated.

5. How is the appropriate Community Infrastructure identified

The FSR Map under Sydney LEP 2012 identifies the maximum FSR permissible for each site. Clause 6.14 of the LEP outlines the amount of additional FSR (above that shown in the FSR Map) that sites are potentially capable of achieving if Community Infrastructure is provided with the development.

The additional FSR achievable on a site has been calculated to ensure the desired built form outcome for an area. Proposed development must be acceptable in terms of environmental capacity, compliance with development controls and must have little or no impact on adjoining properties and the surrounding area. The development proposal must be acceptable on a merit assessment before the City can agree to a package of Community Infrastructure associated with the development. The proposed Community Infrastructure is to be acceptable to the City and it must meet the social, physical and environmental vision for Green Square.

If an applicant seeks to access additional FSR under Clause 6.14 of Sydney LEP 2012 and provide Community Infrastructure, the following is required:

- ensure the site is eligible and establish the additional FSR potentially achievable by checking Clause 4.4 – *Floor Space Ratio* and the relevant FSR Map, and Clause 6.14 – *Community infrastructure floor space at Green Square* under Sydney LEP 2012;
- ascertain the Community Infrastructure that would be required to achieve the additional FSR by checking Section 5.2 – *Green Square* under Sydney DCP 2012; and
- if appropriate, identify other Community Infrastructure that may be offered as part of the total package of public benefits.

If there is no Community Infrastructure identified within a site, the additional FSR may still be potentially achieved if the applicant proposes to contribute towards the delivery of other Community Infrastructure off the site but within Green Square.

The City may collect monetary contributions for identifiable works. However, with the exception of contributions for the Town Centre, the City will seek as far as practicable that Community Infrastructure works (rather than monetary contributions) are undertaken.

If an applicant seeks to access the additional FSR it is strongly advised that a pre-lodgement meeting be arranged with the City's planning officers in. Call (02) 9265 9333 to make an appointment.

6. How is the value of the Community Infrastructure assessed

To ensure an equitable and transparent assessment of the public benefits that may be derived from the provision of Community Infrastructure by an applicant, the City uses a dollar rate to establish the value of the additional floor space and the Community Infrastructure.

The total dollar value of the Community Infrastructure package is calculated based on the type of use and amount of additional floor space proposed. The dollar rates per square metre of additional floor space are as follows:

Residential floorspace	\$475 per square metres (incl. GST)
Retail floorspace	\$275 per square metres (incl. GST)
Other non-residential floorspace	\$200 per square metres (incl. GST)

Note: The City of Sydney will adjust the above rates from time to time.

As part of the Community Infrastructure package a rate of \$100 per square metres (incl. GST) is included as a monetary contribution towards the Town Centre. As the Town Centre will have flow on benefits for the wider Green Square, including improved land values, this monetary contribution is allocated towards the delivery of the Town Centre essential infrastructure. This monetary contribution applies to all land uses and is included within the total value calculated.

The following steps summarise the process to establish the Community Infrastructure package:

- **Step 1** – the applicant calculates the total dollar value of the additional floor space using the above rates (excluding any design excellence floor space)
- **Step 2** – the City and the applicant identify the Community Infrastructure works to be provided and their priority, including the monetary contribution towards the Town Centre essential infrastructure
- **Step 3** – the City and the applicant establish the total cost of the identified Community Infrastructure works to be delivered by the applicant within the site and/or within the Green Square vicinity (the cost is established by a quantity surveyor)
- **Step 4** – the total cost of the works to be delivered by the applicant and the Town Centre monetary contribution are deducted from the total dollar value of the additional floor space calculated in Step 1 above, to work out the difference, if any, between the cost of works and the total value of the additional floor space
- **Step 5** – the City and the applicant review and adjust the scope of works to prioritise the delivery of works
- **Step 6** – where applicable, and if the City considers appropriate, where the total cost of works identified in Step 3 above, is less than the value of the additional floor space, the City may agree to a monetary contribution towards capital works projects being delivered by the City within Green Square

The provision of Community Infrastructure does not apply where the additional floor space proposed does not exceed 100 square metres.

7. What is the Voluntary Planning Agreement process

The legal instrument that sets out the applicant's offer to deliver Community Infrastructure in association with a development proposal is the VPA. The offer is made voluntarily by the applicant so as to access additional floor space potentially achievable under Sydney LEP 2012. Both the City and the applicant must come to a mutual agreement on the appropriateness of the Community Infrastructure package. The details of this package are incorporated into a VPA which is to be prepared and finalised as set out under the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The chart overleaf outlines the process for the preparation of a VPA. The process shown is only indicative, and may vary depending on the nature of the VPA being prepared.

Step 1: Pre-Development Application Lodgement

- Before lodging a Development Application (DA), initial discussions are held between the City and the applicant/landowner on the additional floorspace available and potential Community Infrastructure, guided by the provisions of Sydney LEP 2012 and Sydney DCP 2012.

Step 2: Applicant/Landowner Offer

- The applicant/landowner makes an offer to the City outlining their willingness to enter into a VPA to provide Community Infrastructure.

Step 3 Negotiation of VPA

- Both parties negotiate the terms of the VPA.

Step 4: Preparation of draft VPA

- The City and the applicant finalise the draft VPA. The parties also agree on the details of the explanatory note to accompany the public exhibition of the draft VPA.

Step 5: DA and draft VPA lodged

- The DA is lodged with the City with a copy of the draft VPA (including the explanatory note).

Step 6: Public Exhibition

- The DA and draft VPA are exhibited concurrently. The draft VPA is exhibited for at least 28 days.

Step 7: Assessment Period

- Assessment of the DA and any submissions received during exhibition period. Modifications to the draft VPA may be done at this time.

Step 8: Consent authority determines DA

- The DA and any relevant modifications is determined by the consent authority as a "deferred commencement" consent until the VPA is executed.

Step 9: VPA registered

- Once the VPA is executed by the City and the applicant, the applicant registers the VPA on title and the consent becomes operative. The VPA is placed on Council's Public Register.

More Information

For more information on any aspects of these guidelines, please contact the City on (02) 9265 9333.